

Amendment Dated January 7, 2008
Serial No. 10/777,697

REMARKS

Reconsideration of the rejections set forth in the office action dated September 7, 2007, is respectfully requested. By this Amendment, claims 1, 3-4, 6, and 16-17 have been amended. Currently, claims 1-17 are pending in this application.

Double Patenting

The Examiner entered several provisional non-statutory double patenting rejections. Since these rejections are provisional, applicants have not filed a terminal disclaimer to overcome these rejections. If the non-statutory double patenting rejections persist when the claims of this application are allowed, applicants will file one or more terminal disclaimers to overcome these rejections.

Rejections under 35 USC 102 and 35 USC 103

The Examiner cited several references and combinations of references that the Examiner indicated rendered the claims anticipated or obvious. Applicants have amended the claims to distinguish these references and combinations of references and respectfully request that the rejections be withdrawn in view of the amendments to the claims and the following arguments.

Applicants perceived a problem in the way that medical images were handled on communication networks. For example, applicants discerned that the various mechanisms used on hospital networks didn't take into account both the availability of the network resources AND other aspects of the data transfer, such as the type of data, the network participants, who is requesting the data, where the request originated, and other factors that may affect the importance of the data. (see e.g. Par. 6). Applicants thus determined that it would be advantageous to provide a medical image transport service that could be used to facilitate and coordinate the transmission of medical images on the network.

The Examiner has taken the position that the transmission of medical images on a communication network was known citing the abstract of Percival. Percival teaches the transmission of images from an image transmission system 10 to a desktop computer 18 having a display 20. (Percival at Col. 4, lines 61-67). Thus, although the images in Percival are medical images, Percival is akin to the admitted prior art in which the medical images were simply

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transported across the network without the use of a medical image transport service that could facilitate and coordinate the transmission of the medical images.

None of the other references cited by the Examiner relate to medical images, but rather all teach aspects of general communication networks. Applicants have amended claim 1 to recite a method of facilitating the transmission of medical images on a network, that includes the steps of receiving a transaction request relating to the delivery a medical image from a data source to a data target on a network, interfacing the data source and data target to coordinate delivery between the data source and data target, scheduling delivery of the medical image, reserving network resources on the network, monitoring the delivery of the medical image, and adjusting the steps of scheduling and reserving if necessary to accommodate higher priority transaction requests and network conditions. Applicants respectfully submit that it would not have been obvious to implement a method of this nature given the references cited by the Examiner and, accordingly, respectfully submit that the claims as amended are patentable over the art of record.

Claim 17 has been amended to recite a medical image transport service. None of the references teach or suggest this type of network service. Additionally, claim 17 recites that the medical image transport service facilitates and coordinates the transmission of a medical image from a data source to a data target on a network. The cited references, alone or in combination, do not teach or suggest a service that is able to both coordinate transmission of medical images and also facilitate the transmission of the images. Claim 17 further recites a data management service to perform network topology discovery and path allocation, control the data source and data target, and schedule transmission of a medical image from the data source to the data target. Claim 17 also recites that the medical image transport service includes a network resource manager to interface network devices in the network to reserve network resources on the network for the transmission of the medical image from the data source to the data target based on the path allocation and schedule for the transmission of the medical image determined by the data management service. In view of these claim amendments, applicants respectfully submit that claim 17 is patentable over the art of record.

Conclusion

In view of foregoing remarks, it is respectfully submitted that the application is now in condition for allowance and an action to this effect is respectfully requested. If there are any

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questions or concerns regarding the amendments or these remarks, the Examiner is requested to telephone the undersigned at the telephone number listed below.

If any fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 502246 (Ref. NN-16421).

Respectfully Submitted


John C. Gorecki
Registration No. 38,471

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John C. Gorecki, Esq.
P.O. Box 553
Carlisle, MA 01741
Tel: (978) 371-3218
Fax: (978) 371-3219
john@gorecki.us